



ELECTIONEERING AND CONDUCT AT THE POLLS 2004 ELECTIONS

There are numerous state and local laws that govern your conduct at the polling places on election day. We are asking that you and all of your volunteers abide by those rules and conduct yourselves at the polling places legally, safely and appropriately. Violations are enforced by our election boards and/or by deputies and local police agencies. Attached here are some of the most common rules which we insist you follow to ensure courtesy, safety, compliance with the law, and to protect important property and business interests of the polling place owners.

Persons present in the polling places on election days are subject to the directions and statutory responsibilities of the election officers. The election officers are charged with securing the ballots and voting process, preserving order at the poll (A.R.S. § 16-535), permitting no violation of election laws (A.R.S. § 16-535), prohibiting any ability to ascertain an elector's vote (A.R.S. § 16-1007), including videotaping in whole or in part of ballots or voting site, securing the ballots and election materials (A.R.S. § 16-602 et seq), restricting access to certain portions of the polling place (e.g., A.R.S. § 16-562 and 16-515), not releasing or divulging the results of any ballot counting until one hour after the close of the polls, ensuring that no deadly weapons are carried into the polling place (A.R.S. § 13-3102 (11)), that there is no intimidation of any elector (A.R.S. § 16-1013), no interference with respect to voting (A.R.S. 16-1017), and that there is no interference in any manner with an officer of the election in the discharge of his duty (A.R.S. § 16-1004).

Under Arizona's public records law, the public's right to inspect voting and ballot records is limited to "regular business hours", 8:00 am to 5:00 pm. The county has a prescribed form on which to request inspection or copying of public records. Ballots are not public records which may be inspected by the public except upon judicial action or approval.

POLLING PLACE CONDUCT

1. 75-foot rule. (A.R.S. § 16-515, 16-1017 (2) and 16-1018 (1))

No person is allowed to remain inside the 75-foot limit while the polls are open ***except for the purpose of voting***, and except for the election board and officially appointed representatives. The only exception is for kids voting and necessary activities by the property owner. No news media or exit polling or checkers within the 75-foot limit. In addition, electioneering is prohibited within 75 feet of the polls from 6:00 am to 7:00 pm on election day. No campaign related signs, buttons, literature, shirts, bumper stickers, advertisements, endorsements or written materials may be located nor be visible or audible within the 75 foot limit designated by the election board. If you intend to distribute any items to voters as they enter the 75 foot limit, please also advise the voter that the item must be secured from view while the voter is in the 75 foot limit and in the polling place.

2. Keeping traffic and walkways clear

Where the 75-foot limit extends into a parking area, sidewalk or trafficway used for ingress or egress by voters (whether on foot or in their vehicles), as well as in areas which may be used by disabled voters for drive-up voting, the parking, sidewalk or trafficway **MUST BE KEPT CLEAR** for such uses whether or not these ingress/egress areas are within the 75 foot limit. These rights of way or trafficways, whether or not they are in the 75 foot limit, may not be encroached with your signs, vehicles, tables, chairs, or supporters.

3. Polling Place Abuse

Polling places have private property rights as well as liabilities for actions taken on their property. The County does not lease the entire premises for voting purposes and most of the polling places are carrying on their normal business activities on election day. An increasing number of polling places expressed concern with election day abuse to their facilities and sites, unauthorized borrowing of furniture or use of resources, interference with their customers or patrons, and concern with damage resulting from signs on the premises. We have advised polling place owners that the County does not have the power to enforce private property rights outside the 75-foot limit. Please note that you may need to seek permission from private property owner for activities you wish to conduct on private property, and an owner may ask unauthorized persons, structures or signs to be removed from private property. After receiving a warning that conduct or presence is not permitted by the property owner, deputies or local police may be called upon by the owner to enforce the property owner's rights. Campaigning and election activities outside the 75 foot limit on public rights of way, streets and sidewalks adjacent to polling places are outside county election jurisdiction unless there is interference with voting processes or disabled access. A.R.S. 16-411(H) provides that except in the case of an emergency, a facility that is used as a polling place on election day shall allow electioneering and other political activity outside of the 75-foot limit in public areas and parking lots used by voters.

4. Sign placement and tampering

Many polling places have specific preferences about election day signage. Some places have designated specific areas for signs. Others prohibit signs anywhere on the premises. Do not place signs at the polling place without checking with the property owner or manager. Unauthorized signs on private property may be removed and confiscated. State and many local laws also govern placement of signs on public and private property, as well as removal, alteration or defacing political signs.

5. Courtesies

All voters, candidates, workers, polling place property owners and the public deserve your courtesy and respect.

Election board inspectors or troubleshooters, or the owner/manager at the polling place, can respond to questions you may have on sign placement and restrictions, walkways and trafficways which must be kept clear for ingress, egress and drive up voting.